

REMARKS

In the restriction requirement, the Examiner asserts that the claims recited within the instant application are allegedly organized into three groups of claims. The Examiner, on page 2 of the restriction requirement describes these groups as follows:

- "I. Claims 1-5, drawn to a computing system employing VIA for data communications from a VIA enabled software application thorough (sic) at least (sic) NIC, classified in class 709, subclass 219.
- II. Claims 6-19 (sic), are drawn to a data management (sic) for tracking a plurality of NIC connections resident on a computing system, classified in class 709, subclass 225.
- III. Claims 10-17, are drawn to a method for providing physically independent network interface cards for a computer system, classified in class 709, subclass 228."

As explained in MPEP § 803, "an application may properly be required to be restricted to one of two or more claimed inventions only if they are independent (MPEP § 806.04-§ 806.04(i)) or distinct (MPEP § 806.05-806.05(i))." A generic claim which may support a restriction of a genus/species set of claims is defined within MPEP § 806.04(d). Within this section of the MPEP, it is noted that "the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in the case in addition to a single species must contain all of the limitations of the generic claim."

The Applicants maintain that the above two groups are one invention recited within various embodiments and thus are not patently distinct. The Applicants maintain that both groups of claims all recite a computing device for guaranteeing fairness of transactions between multiple requestors.

As the Examiner notes above, the claims of Group I relate to a computing system employing VIA for data communications from a VIA enabled software application thorough (sic) at least NIC, the claims of Group II relate to a data management component for tracking a plurality of NIC connections resident on a computing system of Group I, and Group III relate to

method for providing physically independent network interface cards for a computer system of the systems of Group I.

Specifically, class 709 relates to Class 709 Electrical Computers and Digital Processing Systems: Multicomputer Data Transferring where sub-classes 217-219, including subclass 219 corresponds to: Remote Data Accessing apply equally to Group I, Group II, and Group III. Similarly, class 709, subclass 223-226, including subclass 225 corresponds to : Computer Network Managing that also applies to Group I, Group II, and Group III. Finally, class 709, subclass 227-229, including subclass 228 corresponds to : Computer-to-Computer Session/Connection Establishing that also applies to Group I, Group II, and Group III. A complete search this art for all of the groups of claims would reasonably include sub-class 219, subclass 225 and sub-class 228 as well as all of its related sub-classes: 201-203, 217-237, 250-253, and 200 generally. The Applicant respectfully maintains that a thorough search of prior art for both groups of claims require searching most, if not all of sub-claims in the same areas. As such, no additional effort would be required to examine all of these claims in the present application.

CONCLUSION

In view of the above arguments, it is submitted that the Election/Restriction requirement contained within Official Communications dated September 24, 2007 is improper. The Applicants respectfully request that the instant requirement be withdrawn.

Respectfully Submitted,


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Response to Election/Restriction